

## **EXHIBIT “F”**

THE LAW OFFICES OF  
**MICHAEL J. WARD, L.L.C.**  
118 White Horse Road West  
Voorhees, New Jersey 08043

Member of New Jersey &  
Pennsylvania Bar

Telephone No.: (856) 627-3444  
Facsimile No.: (856) 627-3305

June 22, 2020

**via certified mail, return receipt requested**

Mr. Patrick O'Donnell  
Beach Haven Code Enforcement Department  
Borough Of Beach Haven  
300 Engleside Avenue  
Beach Haven, NJ 08008

Re: Sidewalk in front of 408 Centre Street, Beach Haven

Dear Mr. O'Donnell:

I am in receipt of your correspondence dated June 18, 2020, concerning the municipal sidewalk in front of our property at 408 Centre Street in Beach Haven.

You should be aware that my wife and I purchased our Beach Haven house at 408 Centre Street in June 1999, and since that time, we have observed that the municipal sidewalk in front of our property, which is located approximately twelve feet (12') away from our property line, has slowly deteriorated and buckled in at least two sections. [I have enclosed a survey copy for your reference].

Approximately twenty (20) years ago, I learned that Beach Haven Borough intended to pursue needed improvements to Centre Street and I was informed by the Municipal Clerk that the curbs, sidewalks, and driveway aprons along our block were going to be replaced as needed. Apparently, at that time, someone in the Borough determined that the deteriorating sidewalk did not need to be replaced.

On October 4, 2018, I wrote to the Mayor and Borough Council to advise them that the sidewalk had become a tripping hazard to passers by, based upon my observation of visitors attending Chowderfest. I requested that the Borough consider replacing or repairing the unsafe sidewalk. I was subsequently informed by the Zoning Clerk that Beach Haven asserts that a homeowner is responsible for repairs/replacement of curbs and sidewalk "adjacent to their property".

As I noted earlier, the sidewalk in front of our property is located approximately twelve feet beyond our front property line, within a 98' wide municipal right-of-way. In Luchejko v. City of Hoboken et al., 207 N.J. 191 (2011), the New Jersey Supreme Court reiterated its long-standing rule of law that the duty to maintain "abutting sidewalks" is confined to owners of commercial property.

F

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Re: Sidewalk at 408 Centre Street, Beach Haven  
June 22, 2020  
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Notably, the Court stated, "While we acknowledge that whether the ownership of the property abutting the sidewalk is commercial or residential matters little to [an] injured pedestrian, we believe that the case for imposing a duty to maintain sidewalks is particularly compelling with respect to abutting commercial property owners". 207 N.J. at 203. See also Nash v. Lerner, 157 N.J. 535 (1999).

I hope you understand that neither my wife nor I are willing to incur the potential liability that could result from making unapproved repairs to off-site municipal improvements.

However, so long as the Borough is the contracting party for any municipal repair work, we would consider providing a financial contribution to the replacement cost.

Upon your review of this letter, please contact me to discuss. Thank you.

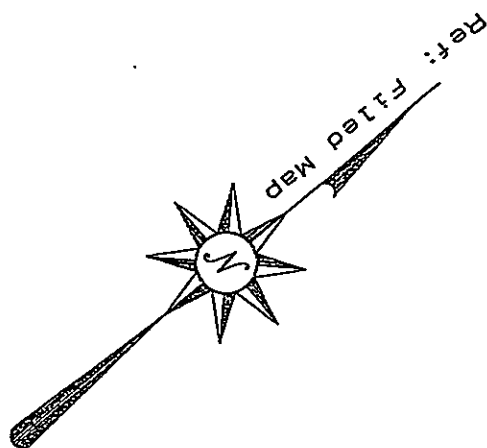
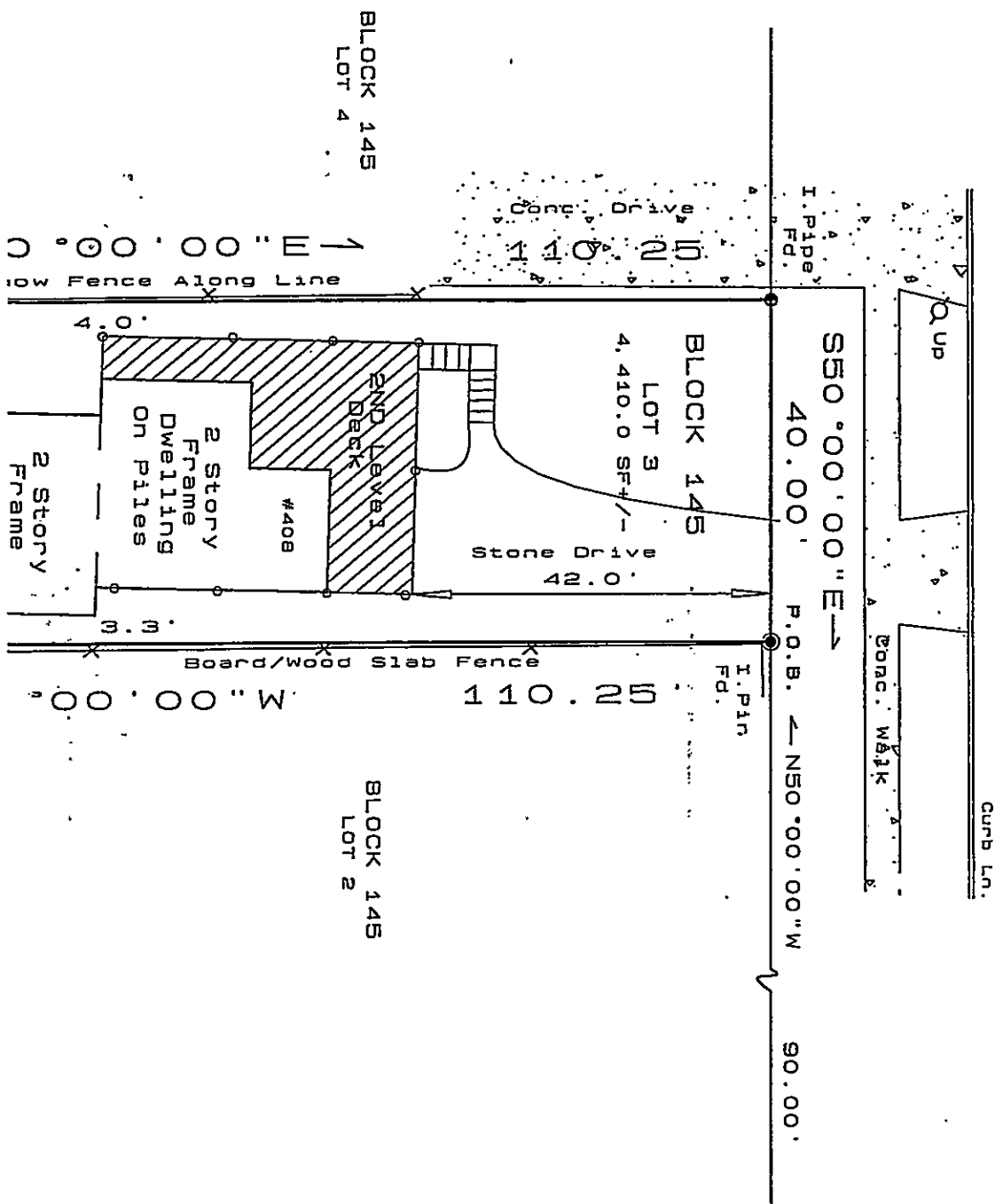
Very truly yours,

LAW OFFICES OF MICHAEL J. WARD, LLC

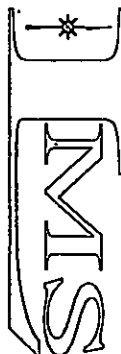
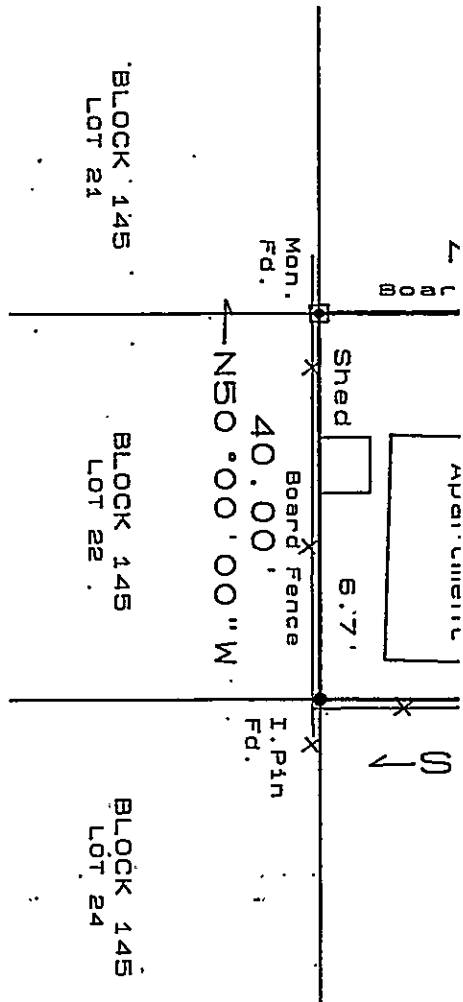
BY:   
MICHAEL J. WARD, IV, ESQUIRE

MJW:hmw  
Encl.

# CENTRE STREET [AKA Center Street]



Lawrence Avenue



Only Copies From  
The Original Plan  
Or Map Of This Plat,  
Clearly Marked With  
The Land Surveyor's  
Raised Seal, Shall  
Be Considered To Be  
Valid Copies.

# Land Management & Environmental Services

JOHN S. YEDINAK PLS-PP

924 W. CLARK'S LANDING ROAD  
EGG HARBOR, NEW JERSEY 08215  
[609] 966 3504 OFFICE/FAX  
[609] 517 2259 MOBILE COMM.

## RECORD SURVEY PLAN FOR:

MICHAEL J. & MARGARET ANNE WARD:  
408 CENTRE STREET  
BLOCK 145 LOT 3  
BOROUGH OF BEACH HAVEN  
OCEAN COUNTY, NEW JERSEY

DATE: 5-27-99  
SCALE: 1"=20'  
DRAWN: J.S.Y.  
CHECKED: J.S.Y.  
UPDATED:  
UPDATED:

FILE NO. 99-527W

TO: MICHAEL J. WARD IV & MARGARET ANNE WARD;  
Michael J. Ward IV, Esq.;  
National City Mortgage Co., Its Successors  
and/or Assigns. [B]

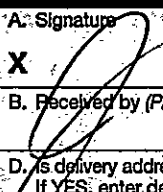
I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP  
OR PLAN IS THE RESULT OF A FIELD SURVEY MADE ON 5-27-99  
BY ME OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE RULES  
AND REGULATIONS PROULGATED BY THE STATE BOARD OF PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS.

THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS  
FOUND AT, AND AS OF THE DATE OF THE FIELD SURVEY, EXCEPT SUCH  
IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE.  
THIS CERTIFICATION IS GIVEN SOLELY TO THE ABOVE NAMED PARTIES EXCEPT  
AS FOLLOWS:

- TO THE TITLE INSUROR SO THAT IT MAY INSURE TITLE TO  
PREMISES SHOWN HEREON
- TO THE MORTGAGE HOLDER, THE CERTIFICATION SHALL SURVIVE  
TO ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTEREST MAY APPEAR.

*John S. Yedinak*  
John S. Yedinak

PROFESSIONAL LAND SURVEYOR  
NEW JERSEY L.I.C. 36787

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature    <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mr. Patrick O'Donnell            Beach Haven Code Enforcement Dept.            300 Engleside Avenue            Beach Haven, NJ 08008</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7018 0680 0001 5653 0862</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Registered Mail Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

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☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.55  
 \$6.95

Tot \$6.95

Mr. Patrick O'Donnell  
 Beach Haven Code Enforcement Dept.  
 300 Engleside Avenue  
 Beach Haven, NJ 08008

Postmark Here  
 06/24/2020

Instructions